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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,734

10/29/2003

Eugene Joseph Pancheri

9399

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27752 7590 11/16/2007

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EXAMINER

LU, JIPING

ART UNIT

PAPER NUMBER

3749

MAIL DATE

DELIVERY MODE

11/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,734

Applicant(s)

PANCHERI ET AL.

Examiner

Jiping Lu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/2007 has been entered.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,980,583 to Staub et al. in view of US Patent 5,985,385 to Gottfried.

Staub et al. teach a fabric article treating system 10. The system has a fabric article drying appliance 10 and a discrete stand alone fabric article treating device 50. A single unit 52 is located inside of the fabric article drying appliance 10. The stand alone treating device 50, independent of the drying fabric article drying appliance 10, dispenses a benefit composition (from 60, col. 5, ln. 55-56) into said fabric article drying appliance. The fabric article treating device 50 includes a power source (not numbered, power supply cord as shown in Fig. 1 which is plugged to 56). Staub et al. do not teach the thermal protection means having first, second, and third layers for the power source. Gottfried teaches a thermal protection wrapping system

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comprising three layers 22, 32, 42, one of which 32 has low thermal conductivity and is sandwiched between two other layers 22, 42 (col. 4, ln. 25-30; col. 7, ln. 4-6). As Gottfried teaches that having his multi-layer system comprising one layer of low thermal conductivity leads to greater heat protection (col. 3, ln. 47-50 and abstract), it would have been obvious to one ordinary skill in the art to modify fabric article treating system of Staub et al. to provide the power source of Staub et al. with a multi-layer thermal protector 22, 32, 42 of Gottfried in order to obtain a predictable insulating result. Regarding the specific range of thermal conductivity claimed, Gottfried does not teach the exact level of thermal conductivity of his low thermal conductivity layer. However, such a limitation would have been obvious to one of ordinary skill in the art since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Regarding claim 15, the low thermal conductivity layer taught by Gottfried is a solid (col. 7, ln. 6-10).

4. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staub et al. (U. S. Patent 5,980,583) in view of Warburton et al. (U. S. Patent 3,828,119).

Staub et al. teach a fabric article treating system 10. The system has a fabric article drying appliance 10 and a discrete stand alone fabric article treating device 50. A single unit 52 is located inside of the fabric article drying appliance 10. The stand alone treating device 50, independent of the drying fabric article drying appliance 10, dispenses a benefit composition (from 60, col. 5, ln. 55-56) into said fabric article drying appliance. The fabric article treating device 50 includes a power source (not numbered, power supply cord as shown in Fig. 1 which is plugged to 56). Staub et al. do not teach the thermal protection means having first, second, and

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third layers for the power source. Patent to Warburton et al. teaches a thermal protection wrapping system comprising three layers 14, 18, 20, one of which 18 has low thermal conductivity and is sandwiched between two other layers 14, 20 (Fig. 1). Therefore, it would have been obvious to one ordinary skill in the art to modify fabric article treating system of Staub et al. to provide the power source of Staub et al. with a multi-layer thermal protector 14, 18, 20 of Warburton et al. in order to obtain a predictable insulating result. The claims would also have been obvious because the substitution of one known element (multiple layer thermal protector of Warburton) for another (regular thermal protector of Staub) would have yielded predictable results to one ordinary skilled in the art at the time of invention. (see KSR International Co. v. Teleflex, Inc. 82 USPQ 2d 1385 (2007)). Regarding the specific range of thermal conductivity claimed, Warburton et al. does not teach the exact level of thermal conductivity of his low thermal conductivity layer. However, such a limitation would have been obvious to one of ordinary skill in the art since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranged involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Regarding claim 15, the low thermal conductivity layer taught by Warburton et al. is a solid.

Response to Arguments


5. Applicant's arguments filed 10/30/07 have been fully considered but they are not persuasive. Claims fail to structurally define over the art. The examiner hereby incorporates the rebuttals to the applicant's Remark from the last Office action mailed 6/15/07.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEVEN B. MCALLISTER can be reached on 571 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.